

### **REMARKS**

Claims 1, 3-10 and 12-22 are pending. Claims 2 and 11 have been canceled without prejudice.

New claim 19 is similar to claim 1 except that new claim 19 requires that the negative electrode comprises a laminate of at least two electrode layers. Also, claim 19 recites that the laminate has a total thickness of 70 to 300  $\mu\text{m}$ . Support for this limitation can be found in page 11, lines 11-16 of the specification.

New claim 20 further limits claim 19 and requires that the catalyst contained in the negative electrode laminate is constituted by two electrode layers having a mass per unit area of 2.0 to 6.0  $\text{mg}/\text{cm}^2$ . Applicants find that there is support in the specification. The specification recites a range of "0.3 to 3  $\text{mg}/\text{cm}^2$ " for each catalyst layer, see claim 17. Since claim 20 recites that the laminate is constituted by two electrode layers (i.e., twice the depth), it makes sense that the specification supports a range of twice the concentration per area, i.e., "0.6 to 6.0  $\text{mg}/\text{cm}^2$ ." Applicants find that there is support for the lower limit of 2.0  $\text{g}/\text{cm}^2$  in Example 1 (see page 14, lines 22-23) wherein the present inventors describe a two layer negative electrode, each having a catalyst concentration of 1.0  $\text{g}/\text{cm}^2$ .

New claims 21 and 22 find support in the claims.

No new matter has been added by way of the above- amendment.

### **I. Issues under 35 U.S.C. § 103**

The following rejections are pending:

- (A) Claims 1, 4, 6, 10 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Tabata et al.** (US 2002/0071980) in view of **Ueda et al.** (US 2004/0115515);
- (B) Claims 2, 3, 7-9, 11, 12 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Tabata et al.** in view of **Ueda et al.** as applied to

claims 1 and 10 above, and further in view of **Kohler et al.** (US 2003/0224223; and

(C) Claims 5 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Tabata et al.** in view of **Ueda et al.** as applied to claims 1 and 10 above, and further in view of **Dube et al.** (US 2004/0089357).

Applicants respectfully traverse Rejection (A), Rejection (B) and Rejection (C).

Applicants comments regarding the patentability of the presently claimed invention as described in the October 9, 2007 Amendment are herein incorporated by reference.

Applicants respectfully submit that new claims 19-22 are further distinguished from the cited references. Upon careful review of the cited references, Applicants note that none of the references teach or suggest that the negative electrode comprises a laminate of at least two electrode layers and that the laminate has a total thickness of 70 to 300  $\mu\text{m}$ , as recited in claim 19. Also, none of the references teach or suggest that the catalyst contained in the negative electrode laminate is constituted by two electrode layers having a mass per unit area of 2.0 to 6.0  $\text{mg}/\text{cm}^2$  as recited in claim 20.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

#### Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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